

# Appeal Decision

Site visit made on 5 November 2014

**by David Spencer BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 8 December 2014**

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**Appeal Ref: APP/X5210/A/14/2224635**

**17 Denning Road, London NW3 1ST**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Raglan Housing against the decision of the Council of the London Borough of Camden.
  - The application Ref 2013/6577/P, dated 10 October 2013, was refused by notice dated 7 March 2014.
  - The development proposed is conversion of existing property from five flats into a single family dwelling, including single-storey rear extension.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The appellant advocated that this appeal should have been considered through a hearing. I have had regard to the Procedural Guide<sup>1</sup> and specifically the criteria at Annexe K. However, I am satisfied that I have been able to appreciate fully the written evidence and the characteristics of the site in arriving at my decision.

## Main Issues

3. The main issues are as follows:
  - The effect of the appeal proposal on housing supply in the Borough having regard to development plan policies; and
  - the effect of the proposed alterations upon the character and appearance of the host building and that of the Hampstead Conservation Area.

## Reasons

### *Housing Supply*

4. It is known that No. 17 Denning Road was already subdivided into the current layout of five flats by the 1960s. There is no record of a planning application approving the subdivision and as such it was acquired by the appellant in 1993 without any planning restriction on occupancy. The appeal proposal would involve converting the five flats into a single family dwelling together with a number of external alterations.

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<sup>1</sup> The Planning Inspectorate Procedural Guide Planning Appeals – England (April 2014)

5. The over-arching approach to housing growth and development is set out in Camden Core Strategy 2010 (the CS). CS Policy CS1 includes a target to deliver 12,250 additional homes between 2010/11 and 2024/25, although I note this precedes the higher annual target of 665 homes set for Camden in the current London Plan 2011. However, CS Policy CS6 expresses the housing target as minima and sets out how Camden's capacity for housing will be fully utilised, including amongst other things, minimising the net loss of existing homes.
6. The appellant has referred me to the Council's 2012/13 Annual Monitoring Report (AMR) which shows that the Council has delivered on its housing targets in the past 5 years, notably the requirement for self-contained housing. However, the annual delivery of homes in Camden has fluctuated such that compliance with targets can be generally attributable to a combination of a significant spike in delivery in 2008/09 and notably lower London Plan housing targets pre-2011<sup>2</sup>. I am therefore cautious, given the direction of travel in the emerging London Plan which seeks to set an annual target of 889 homes for Camden, to place any significant weight on past housing delivery in the borough. Whilst the emerging London Plan is currently in Examination, and therefore I can only give it limited weight, I note that the emerging 889 homes annual target is based on the London Strategic Housing Market Assessment 2013 (SHMA). This is based on a methodology to optimise objectively assessed housing need in sustainable locations.
7. The appellant has also referred to the 2013 London SHMA and submits that the loss of 4 units to create a larger dwelling should be seen in a London-wide housing needs context, with reference to chapter 3 of the London Plan 2011. Whilst I understand that housing markets pay little heed to administrative boundaries, it nonetheless seems to me that across London there is a pressing need for more homes, which the London Plan at Policy 3.3 expects to be delivered by borough annual average housing targets. Given the recent fluctuations in the housing delivery in Camden and the likelihood of the need to significantly boost housing supply going forward, I consider that there is not such a surfeit in housing delivery to dispense with a judicious need to carefully consider the net loss of residential units in the borough.
8. I am particularly mindful that meeting housing need in a borough with a limited land resource will be challenging. CP Policy CS1 specifically emphasises the need to make the best use of Camden's limited land, including, amongst other things, resisting development that makes an inefficient use of land. This approach is broadly consistent with the National Planning Policy Framework (the Framework) at paragraph 17 to encourage the effective use of previously-developed land and at paragraph 58 to optimise the potential of the site to accommodate development.
9. Policy DP2 in the Camden Development Policies 2010-2025 Local Development Framework document (CDP) further articulates how the supply of additional homes will be maximised. This includes minimising the loss of housing in the borough including at criterion f) resisting proposals that would result in the loss of two or more homes. However, there are a number of exceptional circumstances set out in criterion f) which the appellant submits are applicable to the appeal proposal, and I deal with these in turn.

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<sup>2</sup> Camden 2012/13 AMR, Table 4, Camden's Housing Trajectory 2013

10. The supporting text to DP2 at paragraph 2.24 identifies those parts of the Borough with a relatively low proportion of large dwellings. This does not include Hampstead Town. The appellant submits that such a locally spatial approach to restricting conversions to larger dwellings is incorrect given a requirement at Policy 3.15 of the London Plan to co-ordinate housing delivery, the basis of which should be the wider housing market area of the SHMA. However, I have little information from the SHMA on the demand for larger dwellings or whether its findings conflict with Policy DP2. I noted a preponderance of larger single terraced and detached dwellings at the appeal location. As such I am not persuaded there is a compelling need to create an additional large home in this part of Hampstead.
11. DP Policy DP2 enables the net loss of two or more homes where existing sub-standard units need to be enlarged to meet residential space standards. The supporting text to Policy DP2 at paragraph 2.25 refers to considering proposals favourably where existing homes fall substantially below (20% or more) the residential space standards set out in the supplementary Camden Planning Guidance document<sup>3</sup> (CPG2).
12. The appellant submits that the relevant development plan standards are the minimum space standards contained in the London Plan 2011 at Table 3.3 to Policy 3.5. The London Plan standards are further clarified in the London Housing Supplementary Planning Guidance 2012 (LHSPG). I find the overall differences between the CPG2 standards and those of the London Plan to be minimal, to an extent that those in CPG2 generally conform to Table 3.3 as required by Policy 3.5 of the London Plan. In any event, the majority of the existing flats with the exception of the basement flat and the third floor flat, which I consider to be more appropriately classified as a 1 person flat, would have a gross internal area below both the CPG2 and London Plan 2011 standards.
13. Whilst the appellant disputes the applicability of the 20% reduction to the standards in CPG2 it is nonetheless embodied as explanatory text in the CDP to explain how policy DP2 will be implemented. Accordingly it has some weight. Whilst the flats would not be substantially below the CPG2 standard by this measure, however, from my observations, with the exception of the basement flat, they would be parsimonious living environments. Furthermore, I find the appellant's evidence that there are notable qualitative deficiencies persuasive<sup>4</sup>. In particular the various physical restrictions in some flats and the fact that the second and first floor flats are not self-contained with separate bathrooms accessed from the communal stairwell.
14. Therefore, I am satisfied that there are specific and sufficient deficiencies to the existing standard of accommodation at No.17 that would justify a reconfiguration to improve the standard of accommodation. Given the objective of the development plan at CS Policy CS6 and CDP Policy DP2 to minimise the loss of housing, the extent of any reconfiguration is therefore a determinative factor. This is clarified by supporting paragraph 2.25 to CDP Policy DP2 which states that the loss of dwellings should be no greater than is necessary to meet the standard.

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<sup>3</sup> Camden Planning Guidance – Housing CPG2 (September 2013)

<sup>4</sup> Appellant's Appeal Statement of Case: Appendix RM2

15. The appellant has submitted and appraised two alternative options<sup>5</sup> to convert No.17 to provide 3 or 2 flats / apartments. The evidence confirms that the internal room sizes in both options would meet the minimum standards in the LHSPG. However, the appellant submits that there are other factors which would mean the proposed accommodation would be substandard, leaving the appeal proposal as the only deliverable scenario. However, No. 17 is not listed and its original layout has been compromised by previous internal alterations and extensions. Accordingly, I find that most of the deficiencies could be addressed by reasonable internal modifications that would not detrimentally impact the external appearance of the property or the Conservation Area.
16. Additionally I am satisfied that factors such as the relative remoteness of the upper floor maisonette from the garden are regular occurrences in urban environments and part of the balance of making efficient use of the building stock. It would also be premature, in the absence of any details, to conclude that the principle of a modest external 2 storey rear stairwell would fail to preserve or enhance the conservation area. Consequently, I do not find the appellant's identified shortcomings to be insurmountable or sufficiently severe to justify dismissing these alternative options which would minimise the loss of housing at the appeal site.
17. The third exception in CDP Policy DP2 is to enable existing affordable homes to be adapted to provide the affordable dwelling sizes that are most needed. This approach is also supported at paragraph 1.2.16 of the LHSPG. No. 17 is owned by Raglan Housing Association Ltd and the five flats have contributed to the supply of affordable housing in the borough. The appeal proposal would result in a substantial single family home containing 6 bedrooms. There is no dispute that there is a shortage of affordable homes for large families in the borough with Table 1 to CPD Policy DP5 confirming that there is high/very high demand for affordable properties of 4 bedrooms or more.
18. However, affordable housing at the appeal site was not secured through the planning system and therefore I share the view of the appellant that there are no mechanisms to retain it as such as part of the appeal proposal. Whilst the appellant is a housing association, they have disclosed in the evidence before me that the potential sale of the unrestricted property could generate revenue for investment elsewhere. Consequently, there is no certainty or compelling evidence that the appeal proposal would secure an affordable dwelling to comply with this exception in the policy.
19. I am satisfied that despite recent performance in housing delivery in Camden, there remains a need to vigilantly make the best use of limited land resources in the borough and to minimise the loss of homes. This is particularly so given the direction of travel on housing need both in Camden and more widely in London. Whilst I accept that the current arrangement of flats at No. 17 largely represents substandard residential accommodation, I am not persuaded that the loss of four dwellings would be necessary to enable a scale of housing units at No.17 that would meet the minimum London Plan room standards. As such I find that realistic, deliverable and policy compliant scenarios that would make full use of Camden's capacity for housing at the appeal site have been too readily discounted. Furthermore I am not persuaded from the evidence before

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<sup>5</sup> Appellant's Appeal Statement of Case: Appendices RM15 and RM16

me that any of the other policy exceptions justifying the net loss of two or more homes would be applicable to the appeal proposal.

20. I therefore find that the net loss of four dwellings as a result of the appeal proposal would have an unjustifiably adverse effect on housing supply. It would be contrary to CP Policies CS1 and CS6 and CDP Policy DP2. It would also conflict with the objectives of the Framework to provide a supply of housing to meet the needs of present and future generations and to widen housing choice. As such the presumption in favour of sustainable development at paragraphs 14 and 49 of the Framework would not apply.

### *Character and Appearance*

21. No. 17 Denning Road is a tall three storey dwelling with additional lower ground floor accommodation at semi-basement level and further accommodation at attic level revealed by the roof dormers. Due to the sloping topography in this part of Hampstead, the rear elevation appears as four storeys and has been modified with the addition of what is, visually, a 3½ storey closet wing.
22. The dwelling is situated in the Hampstead Conservation Area and more specifically the Willoughby Road/Downshire Hill Sub Area. This sub area is primarily residential in character, consisting generally of three storey terraces with semi-basements in what the Hampstead Conservation Area Statement (HCAS) describes as “one of the most dense and homogenous parts of Hampstead.” However, the HCAS confirms there is variety in the appearance and detailing of the dwellings.
23. The appeal proposal would involve a number of alterations to the rear elevation of No. 17 including an extension to the semi-basement level which would provide a roof terrace with glass balustrade at the rear first floor level. The roof terrace would be accessed by bi-folding glazed doors. The closet wing would also be modified including replacement door openings onto Juliet balconies with glazed balustrades and a modest infilling of what is currently a recessed top storey.
24. Within the rear garden of No.17 it is possible to appreciate the rear elevations along this part of Denning Road. These elevations have been significantly altered including tall closet wings, prominent roof terraces and examples of glass balustrades. My attention was particularly drawn to the recent amendments at the adjacent No.19 Denning Road which include a noticeable glazed extension at the rear first floor level and folding doors onto a balcony. As such I share the appellant’s submission that there is little existing homogeneity or consistency along the rear elevation of the terrace. Moreover, I find the appeal proposals would retain the elegant vertical proportions of the existing building. Consequently, I am satisfied that the appeal proposals would not unbalance or harm the appearance of the terrace or have a poor relationship to the character, proportions or rhythm of the host building.
25. Whilst I recognise that the Camden Planning Guidance on Design 2013 (CPG1) at paragraph 4.13 states that, in most cases, extensions that are higher than one full storey below roof eaves level will be strongly discouraged, in the appeal case, the proposed extension to the closet wing represents a modest infilling of an existing level to this wing. It would also be appreciably below the eaves level and would correspond to the scale and height of the closet wing at No. 15

Denning Road. Accordingly, in my view, it would not appear as a prominent or overbearing addition in the context of the much altered rear elevation along this part of Denning Road.

26. I therefore conclude that there would be no significant harm to the character or appearance of the Hampstead Conservation Area arising from the appeal proposals. Accordingly, I consider that the proposal would comply with CS Policy CS14 and CDP Policies DP24 and DP25. Nor would it compromise the design considerations set out in the Camden Planning Guidance 1 on Design. The proposal would also accord with the principle of the Framework in terms of conserving and enhancing the historic environment and securing high standards of design.

#### *Other Matters*

27. There is evidence before me on whether a planning obligation would be necessary to secure the tenure of the property as an affordable unit. I have briefly addressed the tenure matter at paragraph 18 above in the context of considering the exceptions in criterion f) of Policy DP2. I note the appellant's concerns that the Council's motive for refusing the appeal proposal relates to matters of tenure, however, this is not reflected in the wording of the reasons for refusal. In any event given the proposed scale of the overall net loss of housing, my concerns regarding housing supply apply irrespective of tenure.

#### **Conclusion**

28. Whilst I have found there would be no significant harm to the character or appearance of the Hampstead Conservation Area arising from the appeal proposals this does not outweigh or negate my strong concerns about the harmful adverse effect on the supply of housing contrary to development plan policy.
29. Therefore, for the reasons given above, and having regard to all other matters, I conclude that the appeal should be dismissed.

*David Spencer*

INSPECTOR.